REMARKS

In the Office Action mailed June 16, 2005, the Examiner noted that claims 1-3, 5-7, 9, 14, 15 and 18 were pending, and rejected claims 1-3, 5-7, 9, 14, 15 and 18. No claims have been amended, new claim 19 has been added and, thus, in view of the forgoing claims 1-3, 5-7, 9, 14, 15, 18 and 19 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

Page 2 of the Office Action rejects all claims under 35 U.S.C. § 103 over various combinations of Shaffer, Greenstone and ServiceMerchandise.com.

In the Action the Examiner acknowledges that Shaffer does not disclose:

> first checking for an exact zip code match between the respective plurality of stores and the designated address, second checking for a match of the first n digits of the designated address zip code and the respective plurality of stores if there was not an exact zip code match, and third checking for stores having a zip code within a range of the first n digits of the designated address zip code if there was not the exact zip code match and the first n digits of the zip codes did not match

(see Action pages 2 and 3)

as recited in the claims. The Examiner looks to and argues that Greenstone makes such obvious. The Examiner particularly states that:

> Greenstone discloses the concept of upon receiving the customer inquiry; a comparison search is undertaken in the database to identify the tire source closest to the customer's geographic location or required point of delivery. If the inventory of the tire source closest to the customer's location includes the product or products requested by the customer, the customer transmits through the electronic interface a purchase order and payment that is received at the central processing station. However, if the inventory of the tire source closest to the customer's geographic location does not include a product requested by the customer, an additional search of the database is initiated to identify the tire source that is next closest in distance to the customer's location. Thereafter, a search is executed of the inventory of the next closest tire source to locate the customer's product(s). Preferably, the search of tire sources and inventory will continue until each tire source closest to the customer's location that also has the customer's requested product in inventory is identified.

(see Action page 4)

Greenstone does not teach or suggest the "first checking for an exact zip code match between the respective plurality of stores and the designated address, second checking for a match of the first n digits of the designated address zip code and the respective plurality of stores if there was not an exact zip code match, and third checking for stores having a zip code within a range of the first n digits of the designated address zip code if there was not the exact

zip code match and the first n digits of the zip codes did not match" as called for in the claims. And the above-noted characterization of the teachings of Greenstone by the Examiner confirms that this is the case. Greenstone merely makes an iterative search for a close location and says nothing about zip codes.

ServiceMerchandise.com adds nothing to Shaffer and Greenstone with respect to the features of the invention discussed above.

It is submitted that the invention of the claims, including new claim 19, distinguishes over the prior art and withdrawal of the rejection is requested.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: ___9/16/5___   By: _____

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